

Application No.: 10/784,629

Docket No.: SPINE 3.0-437  
CIPCIPCIPCIPCIPCIPCON V

**IN THE DRAWINGS**

Please replace the original drawings with the attached drawings.

Attachment: Replacement Sheets 1-17

**REMARKS**

A Petition for a Two-Month Extension of Time thereby extending the time for responding to the Office Action from October 30, 2007 to and including December 30, 2007 is submitted herewith.

The present Amendment is in response to the Office Action mailed July 30, 2007. Claims 1-10, 13, and 15-20 were rejected in the Action. Claims 11, 12, and 14 were objected to. Claims 1, 13, and 17-19 have been amended. Claims 15 and 16 have been canceled. Therefore, claims 1-14 and 17-20 are currently pending in the present application. Support for all claims amendments can be found in Applicants' originally filed specification. As such, no new matter has been added. Applicants set forth remarks relating to the Office Action below.

Applicants would like to thank the Examiner for the indication of allowable subject matter. Specifically, the Examiner indicated that claims 11, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicants present arguments for the allowance of claim 1 herein and have maintained the dependency of claims 11, 12, and 14 from claim 1 in the present application.

Before addressing the relevant claim objections and rejections in the Action, Applicants would first like to thank the Examiner for the opportunity of discussing the Action in a telephone interview on October 11, 2007.

As discussed in the interview, Applicants have canceled claims 15 and 16 rendering all objections and rejections of these claims moot. Further, Applicants have amended claim 13 in a manner that Examiner stated in interview

would overcome the current 35 U.S.C. 112, first paragraph rejection thereof. This is evidenced by the Examiner's Interview Summary of October 18, 2007.

In the Action, the Examiner also objected to the drawings. The Examiner asserted that the drawings must show every feature of the invention specified in the claims. With respect to claims 10-12, the Examiner asserted that the drawings fail to show the at least one plunger and at least one recess cooperating with the plunger. Further, with respect to claim 13, the Examiner asserted that the drawings fail to show an at least one sleeve bore through a longitudinal sleeve axis of the sleeve having a sleeve bore width that is greater than a sleeve bore depth.

Applicants respectfully submit that the attached replacement drawings, fully supported by Applicant's originally filed specification, overcome the drawing objections. Figures 2f, 2h, and new Figure 2l on attached replacement sheet 6, clearly show the at least one plunger (Reference Numeral 232) and at least one recess (Reference Numeral 228) cooperating with the plunger. Applicants would like to point the Examiner to amended paragraphs [0097] and [0099] herein clearly describing these features. Further, in order to clarify the subject matter claimed, Applicants have deleted the recitation in claim 13 that the Examiner objected to with respect to the drawings. Therefore, the objection to the drawings in view of claim 13 is rendered moot. Applicants assert that all objections to the drawings have been overcome by the foregoing.

Further in the Action, the Examiner rejected claims 1-10 and 15-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,997,432 to Keller ("Keller"). The Examiner asserted that Keller teaches each of the limitations included in claim 1. As noted in the Examiner's Interview Summary mailed

October 18, 2007, Applicants' counsel and the Examiner discussed the structure of the sleeve bore of the present invention in view of *Keller*.

As was set forth by Applicants' counsel during the interview, Applicants respectfully assert that independent claim 1, as amended, is not anticipated by *Keller* because the cited reference neither discloses nor suggests a sleeve having a bore that extends along the longitudinal axis of the extension, "the bore defining a cross-section on a plane perpendicular to the longitudinal axis of the extension, the cross-section having a width that is greater than a depth." This claimed feature of the present invention is clearly not disclosed in *Keller*. During the October 11th interview, the Examiner acknowledged that there is no cross-section of the sleeve bore in *Keller* that has a width that is greater than a depth on a plane that is perpendicular to the longitudinal axis of the extension. For the foregoing reasons, independent claim 1 is unanticipated by *Keller* and constitutes allowable subject matter. Claims 2-14 and 17-20 are also unanticipated, *inter alia*, by virtue of their dependence from claim 1.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 21, 2007

Respectfully submitted,

By 

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